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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/027,409

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Bernd Eilers

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08/03/2006

SONNENSCHN NATH & ROSENTHAL LLP
FOR SUN MICROSYSTEMS
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER

AILES, BENJAMIN A

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/027,409	Applicant(s) EILERS ET AL.	
	Examiner Benjamin A. Ailes	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,9-12 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,9-12 and 19-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to correspondence filed 19 May 2006.
2. Claims 1, 2, 9-12, 19-25 remain pending.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 2, 9-12, 19-25 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claim 1 contains the newly added limitation "wherein the client capability is obtained from a secondary storage on the web server and not from a second data processing system". The negative limitation portion, "not from a second data processing system", was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art how the "client capability" may be retrieved from a "secondary storage" and explicitly "not" from a "second data processing system". Independent claims 11, 21, 24 and 25 recite similar offending limitations and are rejected under 35 USC 112, first paragraph,

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for the same reason as claim 1. Dependent claims 2, 9, 10, 12, 19, 20, 22 and 23 are rejected under 35 USC 112, first paragraph, based on their dependency on previously rejected independent claims. See MPEP 2173.05(i).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1, 2, 9-12, and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton et al. (US 6,470,378 B1).

9. Regarding claim 1, Tracton discloses a method in a data processing system comprising a web server having a web page with a content, the method comprising the steps of determining to download the web page to a client (col. 3, ll. 41-42, A client sends a request to a server.); obtaining a client capability of the client from a source

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other than the client responsive to the determination (col. 4, ll. 7-10, The server sends a request to a registry to retrieve client capability information.); adapting the content of the web page to be compatible with the obtained client capability (col. 4, ll. 10-13, The server creates the customized page in accordance with the client capability information.); and downloading the web page with the adapted content to the client (col. 4, ll. 10-13, The customized web page is transmitted to the client.).

Tracton teaches the retrieval of the client capability from a registry but does not explicitly recite "wherein the client capability is obtained from a secondary storage on the web server and not from a second data processing system." Tracton teaches the retrieval of information, in this case the client's capability, from a remote location on a network, which enables the retrieval of information from different points within a network. Therefore, one of ordinary skill in the art at the time of the applicant's invention would have recognized the advantage of placing information accessible locally instead of remotely would accelerate information access speed. For this reason, one of ordinary skill in the art would have found it obvious to store client capability information locally instead of in a remote storage location on a separate data processing system. One of ordinary skill would have been motivated for the reasons stated above, in order to accelerate "client capability" access speed.

10. Independent claims 11, 21, 24, and 25 contain similar subject matter and are rejected under the same rationale as independent claim 1.

11. Regarding claim 2, Tracton teaches the step of storing the obtained client capability at the web server (col. 4, ll. 7-10).

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12. Regarding claim 9, Tracton teaches the method wherein the client comprises a browser program, and wherein the client capability comprises a setting of the browser program (col. 6, ll. 44-49).

13. Regarding claim 10, Tracton teaches the method wherein the client capability comprises a video display capability of the client (col. 4, ll. 33-42).

14. Regarding claim 12, Tracton teaches the step of storing the obtained client capability at the web server (col. 4, ll. 7-10).

15. Regarding claim 19, Tracton teaches the method wherein the client comprises a browser program, and wherein the client capability comprises a setting of the browser program (col. 6, ll. 44-49).

16. Regarding claim 20, Tracton teaches the method wherein the client capability comprises a video display capability of the client (col. 4, ll. 33-42).

17. Regarding claim 22, Tracton teaches the method wherein the client comprises a browser program, and wherein the client capability comprises a setting of the browser program (col. 6, ll. 44-49).

18. Regarding claim 23, Tracton teaches the method wherein the client capability comprises a video display capability of the client (col. 4, ll. 33-42).

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lamkin et al. (US 2006/0041639 A1) teaches a platform detection system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

baa

Beatriz Prieto
BEATRIZ PRIETO
PRIMARY EXAMINER